

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

**ROBBIE KEETON GEIGER, as Administratrix
of the Estate of Ricky Keith Keeton, Deceased;
DELISHA KEETON MOONEY, and
MEGAN ARCHER**

PLAINTIFFS

V.

CAUSE NO. 1:16cv95-SA-DAS

**MONROE COUNTY, MISSISSIPPI
and ERIC SLOAN**

DEFENDANTS

MOTION FOR TRIAL CONTINUANCE DUE TO COVID-19

NOW COME Defendants, Monroe County, Mississippi and Eric Sloan, by and through counsel, and file this, their Motion for Trial Continuance Due To COVID-19 and would show the Court the following:

Facts

1. This case was previously set for trial beginning Monday, August 16, 2021, in Greenville, Mississippi, before the Hon. Debra Brown. [Doc. 171].

2. On August 11, 2021 the Defendants filed their first Unopposed Motion to Continue the trial and all pre-trial deadlines, including the submission of final jury instructions and exhibits, based on the positive COVID test of lead counsel, Arnulfo Luciano, and supporting memorandum thereof. [Docs. 188, 189].

3. On the same day, this Honorable Court, finding that good cause existed to continue the trial and all pre-trial deadlines, granted Defendants' unopposed motion and continued the trial to August 30, 2021, and the deadline to resubmit proposed jury instructions and exhibits to noon on August 17, 2021. [Docs. 191, 192]. Subsequently, the Defendants moved, with Plaintiffs' consent,

and this Court granted, a second Motion for Continuance as the August 30, 2021 trial date did not give Mr. Luciano enough time to recover and prepare for trial. Additionally, the Defendants argued a continuance was warranted because the COVID-19 pandemic was raging in Mississippi. [Docs. 197, 198]. On August 17, 2021, the Court granted the motion to continue the trial and re-set the trial date to September 20, 2021. [Doc. 199].

4. For the reasons set forth in this Motion and the Memorandum of Authorities being filed contemporaneously herewith, it is respectfully requested that a continuance of the trial be granted once more because of the continued significant rates of infection of the Delta variant of COVID-19 and the impact COVID-19 will likely have on the trial.

5. Plaintiffs' counsel has been contacted and oppose the Motion.

RESPECTFULLY SUBMITTED this the 6th day of September, 2021.

JACKS GRIFFITH LUCIANO, P.A.

By: /s/ **Jamie F. Lee**

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CERTIFICATE OF SERVICE

I, Jamie F. Lee, attorney of record for Defendants, do hereby certify that I have this day caused a true and correct copy of the above and foregoing *Motion for Trial Continuance due to COVID-19* to be delivered by the ECF Filing System which gave notice to the following:

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DATED this 6th day of September, 2021.

/s/ **Jamie F. Lee**

Jamie F. Lee